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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,113	06/25/2008	Rachel Yerushalmi-Rozen	0-06-165	9526

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EXAMINER

NERANGIS, VICKEY MARIE

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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01/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,113	Applicant(s) YERUSHALMI-ROZEN, RACHEL	
	Examiner Vickey Nerangis	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-39 is/are pending in the application.
- 4a) Of the above claim(s) 18-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In light of the arguments filed in the response filed on 1/20/2010, the finality of the last Office action is withdrawn and the amendment filed on 1/20/2010 is entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
3. New grounds of rejection are set forth below. Thus, *a 2nd non-final Office action is set forth as follows.*

Claim Objections

4. Claim 16 is objected to because it includes improper Markush language. In line 3 of the claim 3, "or" should be replaced with "and".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. Claims 1, 3-8, 10-14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Clarke (US 6,878,361).

Clarke exemplifies a method of preparing a carbon nanotube solution by mixing 1 mg raw carbon nanotube material with 1 mL of water (fluid medium) (col. 11, lines 35-49), wherein the water contains 2 vol % Poloxamer 188 which is a triblock copolymer of polyethylene oxide—polypropylene oxide—polyethylene oxide having molecular weight of 7680-9510 (col. 5, lines 38-40). Approximating for sake of calculation that Poloxamer 188 has a density of approximately 1 g/mL, the exemplified composition contains about 2 wt % block copolymer and

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the mass ratio of block copolymer to carbon nanotube is about 20. The carbon nanotube are removed from solution by centrifuging (col. 14, lines 28-32).

In light of the above, it is clear that Clarke anticipates the presently cited claims.

Claim Rejections - 35 USC § 103

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke (US 6,878,361).

The discussion with respect to Clarke in paragraph 5 above is incorporated here by reference.

Clarke fails to teach that the solution comprising the nanotubes and block copolymer is mixed by sonication.

Even so, Clarke teaches that current methods for purifying and isolating nanotubes include physical disruption of the raw material (nanotubes) utilizing sonication.

Therefore, it would have been obvious to one of ordinary skill in the art to mix the prepare the solution comprising the nanotubes and block copolymer by mixing with sonication in order to facilitate physical disruption of the nanotubes.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Nerangis whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

vn

/Vickey Nerangis/
Examiner, Art Unit 1796